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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/880,424	06/13/2001	Catherine Rose Morrow	60001.0037US01/MS149446.1	5411

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MICROSOFT CORPORATION
C/O MERCHANT & GOULD, L.L.C.
P.O. BOX 2903
MINNEAPOLIS, MN 55402-0903

EXAMINER

FILIPCZYK, MARCIN R

ART UNIT PAPER NUMBER

2161

DATE MAILED: 04/07/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/880,424

Applicant(s)

MORROW ET AL.

Examiner

Marc R Filipczyk

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on 03 December 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-12 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-12 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 13 June 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date: _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

Response to Amendment

This action is responsive to Applicants response filed on December 3, 2004 wherein claims 1-12 remain pending.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Richards et al (“Richards”) (U.S. Patent No. 5,995,921) in view of Knauff et al (“Knauff”) (U.S. Patent No. 6,654,754), and further in view of Fitch et al (“Fitch”) (U.S. Patent No. 6,647,389).

Regarding claims 1, 2, 5, 7, 8 and 11, Richards discloses a method, program and system for providing computer software help utility, comprising the steps of: (col. 1, lines 3-8 Richards)

providing a text input box; (fig. 3B, item 304, Richards)

receiving a search string at the text input box; (fig. 3B, item 306, Richards)

searching a database for answers responsive to the search string; (fig. 3C, “Ask the Expert”, Richards)

displaying a list of potential answers responsive to the search string; (fig. 3C, item 312, Richards)

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allowing a user to determine whether an acceptable answer is provided in the list of potential answers; (fig. 3C, item 312, *list*, Richards)

(Note: user does not have to select an answer)

selecting, in response to a user input, one of the potential answers responsive to the search string; (fig. 3C, 308, Richards) and,

displaying a help text responsive to selecting one of the potential answers (fig. 3C, item 310, Richards).

Richards also teaches a search interface with a history (figures 3B and 3C, *History*, Richards), but does not explicitly teach the history stores the most recently used search strings, or that the input box is provided on the toolbar of a software application.

However, Knaft discloses an information retrieval system (fig. 2, Knaft), wherein a history log maintains search terms used by the user to identify requested data objects (fig. 4, item 316, and col. 11, lines 6-12, Knaft). Hence, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify Richards' History (fig. 3C, Richards) to include previously submitted search terms as done in Knaft. One would have been motivated to keep previously stored search queries to enable a more refined string search (col. 11, lines 10-12, Knaft).

Thus, Richards/Knaft teach a software help utility including a history with previously stored search queries and a text input box (see citations above), but do not explicitly discuss the text input box is provided on a toolbar of a software application.

However, Fitch discloses a search engine (abstract, Fitch) wherein a toolbar includes a text input box (fig. 6, and col. 10, lines 38-42, Fitch). Hence, having Richards/Knaft text input

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box (fig. 3B and 3C, items 304 and 306, Richards), it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify Richards/Knauff's text input box to appear on a toolbar as done in Fitch. One would have been motivated to include the text input box on a toolbar to have an easier-user accessible help interface (col. 10, lines 43-59, Knauff).

Regarding claims 3 and 9, Richards/Knauff/Fitch teach after the step of displaying a list of potential answers responsive to the search string, further including the steps of:

allowing the user to determine whether an acceptable answer is provided in the list of potential answers (fig. 3C, items 308 and 312, Richards);

if an acceptable answer is not provided in the list of potential answers, allowing the user to refine the search string (fig. 3B, item 306, and col. 3, lines 65-67, Richards);

(Note: user may edit search string)

searching the database for more answers responsive to the refined search string (fig. 3C, Ask the Expert, Richards);

displaying a second list of potential answers responsive to the refined search string (fig. 3C, item 312, Richards); and

wherein the step of selecting one of the potential answers responsive to the search string includes selecting one of the potential answers from the second list of potential answers (fig. 3C, 308 and 312, Richards).

(Note: second list of potential answers is displayed automatically after query is refined)

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Regarding claims 4, 6, 10 and 12 Richards/Knauff/Fitch further teach:

selecting, in response to user input, the search string from the list of most recently used search strings (fig. 4, item 316, and col. 11, lines 6-12, Knauff);

searching the database for answers responsive to the step of selecting the search string from the list of most recently used search strings (fig. 3C, Ask the Expert, Richards);

displaying a third list of potential answers responsive to the step of searching the database for answers responsive to the step of selecting the search string from the list of most recently used search strings (fig. 3C, item 312, Richards);

selecting, in response to user input, one of the potential answers responsive to the step of displaying a third list of potential answers (fig. 3C, 308 and 312, Richards); and

displaying a help text responsive to selecting one of the potential answers responsive to the step of displaying a third list of potential answers (fig. 3C, item 10, Richards).

(Note: third list of potential answers is displayed automatically after new query is selected from history)

Response to Arguments

Applicant's arguments filed on December 3, 2004 have been fully considered but they are not persuasive. The arguments and responses are listed below.

Applicant argues on page 8 of the 12/3/04 response that Richards does not teach or suggest a method for providing computer software help utility as recited by claim 1. Further, Richards fails to teach or disclose that the user-defined queries are stored in a list of most recently used user-defined queries, retrieved and displayed.

Examiner disagrees. Richards clearly discloses computer software help utility, please refer to col. 1, lines 1-18. If the Applicants believe that the claimed computer software help utility is different from Richards, support from the specification is respectfully requested so that the issue can be addressed in the Office Action. Examiner notes that the Action mailed on 9/17/04 does not rely on Richards for storing the most recently used search strings as argued, instead Knauft was introduced to derive with Richards in view of Knauft. Note, however, Richards does store the user submitted query in a buffer (col. 5, lines 3-5, Richards), teaches a "History" button and an interactive display for interfacing with the user by presenting multiple answers to chose from to obtain a best help result (fig. 3C, elements 304, 307, 308, 310 and 312, Richards). Therefore it can be seen to one of skill in the computer art that Richards/Knauft clearly teach displaying history items. One cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck & Co.*, 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986).

Applicant argues on page 9 of the 12/3/04 response that Knauft does not teach or suggest retrieving the search terms stored in the history log and displaying the search terms.

Examiner disagrees. The Applicant's argument of disclosing a history log of previously searched terms but **not** retrieving the searched terms or displaying the searched terms is not analogous. Knauft clearly stores a log of searched terms (col. 11, lines 5-12) and retrieves and

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displays a hit list of keywords searched (see col. 10, lines 8-15). Richards/Knaft at least teach storing searched terms, retrieving the search terms from the history log and displaying the search terms.

Applicant argues on page 9 of the 12/3/04 response that Fitch does not teach or suggest a list of most recently used search strings and displaying the list of most recently used search strings.

Examiner disagrees. Examiner notes that the Action mailed on 9/17/04 does not rely on Fitch for teaching a list of most recently used search strings and displaying the list of most recently used search strings. Instead, Richards/Knaft teach a list of most recently used search strings and displaying the list of most recently used search strings. One cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck & Co.*, 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986).

On pages 10-12 of the 12/3/04 response, Applicants repeat the same arguments already addressed by the Examiner above, and no other arguments are raised.

With respect to all the pending claims 1-12, Examiner respectfully traverses Applicants assertion based on the discussion and rejection cited above.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL.** See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Marc R Filipczyk whose telephone number is (571) 272-4019. The examiner can normally be reached on Mon-Fri, 8:30am-5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Safet Metjahic can be reached on (571) 272-4023. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

MF
March 23, 2005


FRANTZ COBY
PRIMARY EXAMINER